

Election/Restrictions

The following paragraphs make corrections to and hereby replace the corresponding paragraphs with respect to Election/Restrictions in the Notice of Allowance mailed 03-26-2008.

Claims 1, 4-13, 15-28, 94, 95 and 100-103 are directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(b), claims 29-34, directed to the process of making or using the allowable product, previously withdrawn from consideration as a result of a restriction requirement, are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because a claimed invention previously withdrawn from consideration under 37 CFR 1.142 has been rejoined, **the restriction requirement with respect to groups III, IV, V and VI, including claims 29-34, as set forth in the Office action mailed on 05-16-2006, is hereby withdrawn.** In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Invention Group II, claims 24-28, set forth in the restriction requirement mailed 05-16-2006 were rejoined with elected Invention Group I in the Non-Final Rejection mailed 08-14-2006.

Invention Groups VII to XVIII, including claims 35-90, 92, 93 and 96-99, drawn to non-elected Inventions restricted in the Office action mailed 05-16-2006 were canceled by applicant in the response received 12-14-2006.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to /Susan W. Berman/ whose telephone number is 571 272 1067. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571 272 1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SB
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/Susan W Berman/
Primary Examiner
Art Unit 1796

Application Number**Application/Control No.**

10/789,442

Examiner

/Susan W. Berman/

**Applicant(s)/Patent under
Reexamination**

ASHMAN ET AL.

Art Unit

1796